Supreme Court, U.S
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OFFICE OF THE CLERK

No. _____

In The

Supreme Court of the United States

JOHN VINCENT HYLAND, JR.,

Petitioner,

v.

JOHN PAUL STEVENS, et al.,

Respondent.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The District Of Columbia

PETITION FOR A WRIT OF CERTIORARI

JOHN VINCENT HYLAND, JR.
Petitioner, Pro se
Pugsley Correctional Facility
7401 Walton, Kingsley, MI 49649

17 pp

QUESTIONS PRESENTED FOR REVIEW

A. Did U.S. Supreme Court have jurisdiction?

B. Did individuals George Bush and Albert Gore have "standing" in Florida courts?

C. Did U.S. Supreme Court verify "standing" of George Bush and/or Albert Gore?

D. Is there lawful alternative to U.S. Supreme Court intervention?

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PETITION FOR WRIT OF CERTIORARI

OPINIONS AND ORDERS BELOW

U.S. District Court Order of Dismissal, January 5, 2001

Notice of Appeal filed March 6, 2001

U.S. Court of Appeals, District of Columbia, Rehearing Dismissal, April 23, 2001

Mandate Issued July 5, 2001

JURISDICTIONAL STATEMENT

Petitioner seeks review of the decision in the District of Columbia Court of Appeals affirming the U.S. District Court, District of Columbia's dismissal of petitioner's case in its entirety.

United States District Court, District of Columbia, 00cv03120.

Petitioner filed "NOTICE OF APPEAL" March 6, 2001, dated by Petitioner February 22, 2001.

Petitioner filed SUPPLEMENT TO APPEAL BRIEF March 19, 2001, dated by Petitioner March 14, 2001.

Petitioner filed REQUEST FOR REHEARING IN BANC TO PROVE FRAUD ON THE COURT AND LACK OF DEFENDANTS' JURISDICTION IN BUSH v. GORE, S.Ct. 00-949 (12-12-00) and dated REHEARING IN BANC May 1, 2001.

Dismissal of appeal is dated April 23, 2001

MANDATE ISSUED is dated July 5, 2001

The jurisdiction to review the judgment of the United States District Court and United States Court of Appeals is pursuant to 28 U.S.C. Section 1253; 1254; 1332; 1343; 1361.

STATUTORY PROVISIONS INVOLVED

U.S. Const. Art. I, Section 4 [1] "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."

Presidential Act of 1886, Amended 1947.

CONSTITUTIONAL ISSUES

1. U.S. Constitution Article I, Section 4 [1] prevents U.S. Supreme Court from making laws.

2. U.S. Const. Article I; U.S. Const. Article II; U.S. Const. Article III; U.S. Const. Article IV; and the Bill of Rights including U.S. Const. Amendment [1791]: . . . "the right of the people peaceably to assemble, and to petition the government for a redress of grievances," and U.S. Const. Amend. V, and 14, . . . due process of law; and – "the equal protection of the laws."

STATEMENT OF THE CASE

A. District Court Proceedings allege lack of jurisdiction of U.S. Supreme Court Justices in the Florida Supreme Court's ORDER regarding voting procedure corrections in the State of Florida November 2000 elections.

Petitioner proved and articulated that all nine Justices agreed that jurisdiction was doubtful and in fact jurisdiction onto U.S. Supreme Court was without lawful authority.

1. Petitioner brought a CIVIL RIGHTS COMPLAINT dated December 13, 2000.

2. None of the nine (9) Defendants, nor any of their attorneys representatives, replied to the dutifully serviced SUMMONS AND COMPLAINTS.

3. Petitioner alleges that the Clerk of Court was dutifully bound to enter DEFAULT JUDGMENT pursuant to 28 U.S.C. FRCVP Rule 55.

4. Petitioner was deprived of DUE PROCESS and EQUAL PROTECTION OF THE LAWS and entry of Default Judgment.

5. Petitioner alleged that Justice Rehnquist "lobbied", conducted EX PARTE communications, conspired, with other Justices to "side with Rehnquist" and ORDER vacate of Florida Supreme Court's ORDER.

B. Statement of Facts

Nine Justices agreed that JURISDICTION was not correct in this Florida Supreme Court case that was brought by WRIT OF CERTIORARI by persons who were

not residents of the State of Florida, nor did they have "standing", nor did they have "in personam jurisdiction".

Petitioner alleges herein that "in personam jurisdiction" means that the State of Florida courts had jurisdiction over Gore and Bush, and of course that is not so.

REASON FOR GRANTING THE WRIT

Whether the Supreme Court lacked subject matter jurisdiction that Petitioner alleges rested solely with the Florida Supreme Court and the Florida Legislature.

LAWFUL ALTERNATIVE

Presidential Act of 1886, Amended 1947, is the correct procedure that this Supreme Court forgot about, and Congress was the only authority to intervene in PRESIDENTIAL ELECTION CONTROVERSY.

ISSUE ONE

DID U.S. SUPREME COURT HAVE JURISDICTION?

Petitioner-Appellant says: "NO".

Petitioner alleges that 28 U.S.C. § 1359 is authority for vacating the *Bush-Gore, supra,* decision December 12, 2000.

> "no jurisdiction where improperly or collusively made or joined to invoke jurisdiction of such court."

Alleged that *Bush, supra,* is without jurisdiction to being Supreme Court petition that "abridges the counting of casted votes." U.S. Const. Amend. XIV.

> *McKinney v. Pate,* 20 F.3d 1550 (CA 11, Fla.) 1994
>
> In general, Constitution requires that state provide fair procedures and impartial decision maker before infringing on person's interest in life, liberty or property.
>
> *Executive 100, Inc. v. Martin County,* 922 F.2d 1536 CA 11 (Fla.) 1991
>
> Deprivation of property interest is of constitutional stature if it is undertaken for improper motive . . .

The Supreme Court's allocation in *Bush, supra* No. 00-949 at page 2: "We granted certiorari and vacated the Florida Supreme Court's decision, finding considerable uncertainty as to the grounds on which it was based."

Question to U.S. Supreme Court: "Found where?"

Page 4:

> "With respect to the equal protection question, we find a violation of the equal Protection Clause."

Again: Found Where?

> A court is required to produce a written order, with conclusion of facts, and conclusions of law, and recite *exact* circumstances that the Court's Order is based, with specific facts.
>
> This Supreme Court was "vague" about its ORDER and its JURISDICTION.

So vague as to be concerned that a "REHNQUIST GROUP OF FIVE" was in concert to "steer" an ORDER that was without jurisdiction.

This Court's *ORDER* is void for vagueness. U.S. Const. Amend. 14.

ISSUE TWO

DID INDIVIDUALS GEORGE BUSH and ALBERT GORE HAVE "STANDING" IN FLORIDA COURTS?

Petitioner-Appellant says: "NO".

Petitioner alleges that this Supreme Court was erroneous in granting WRIT OF CERTIORARI onto the Florida case of *Bush v. Gore* and furthermore, alleges Petitioner, the Florida Courts are without jurisdiction to review petitions of *Bush and Gore,* whereas those petitioners are without "standing" in the voting procedures established by State of Florida Legislature.

Whereas the Florida Legislature had not established a "vague statute" and whereas *Bush and Gore* did not object prior to the election, then they are estopped from filing grievances without standing and without proving "vagueness".

This Supreme Court overwhelmingly declared that the Florida Legislature has all authority to enact and amend its voting statutes. Whereas *Bush and Gore* intervened it behooves this Court to vacate its December 12, 2000 ORDER.

> *Contract*: "An agreement between two or more persons which creates an obligation to do or not to do a particular thing.

1. Neither George Bush, nor Albert Gore, persons, did *not* have contract with State of Florida.

2. Did Florida have contract with Republican Party?

Neither George Bush nor Albert Gore had contracts with State of Florida and therefore are without "standing" to file lawful grievances.

3. Did State of Florida have contract with any others on ballot? Petitioner says: "NO".

George Bush and/or Albert Fore are *estopped* from filing grievances where there is no contract with the State of Florida to make any certain performance on behalf of *Bush* or *Gore*.

ISSUE THREE

DID U.S. SUPREME COURT VERIFY "STANDING" OF GEORGE BUSH and/or ALBERT GORE?

Petitioner-Appellant says: "NO".

This Supreme Court did not make a determination, in written form, articulating conclusions of law and "standing" of parties.

S.C. Rule 20.1 permits "discretion onto Supreme Court *only* after following procedure determining:

> . . . and that adequate relief cannot be obtained in any other form or from any other court."

Petitioner alleges that *Bush* and/or *Gore* non-jurisdictionally intervened with Florida Supreme Court's ORDER that would have remedied the voting procedures and only the Florida Supreme Court has authority to do so in

lieu of intervention or conveying of jurisdiction by Florida Legislature.

Therefore, alleges Petitioner, this Supreme Court violated S.C. Rule 20.1. It must *vacate* its ORDER in *Bush, supra.*

> Supreme Court Rule 14.1(i) . . . the statement of the case shall also show the basis for federal jurisdiction in the court in the first instance.
>
> Petitioner alleges that this Court did not allocate its basis for jurisdiction.
>
> A court without jurisdiction but issues orders must vacate those orders ab initio.
>
> *Article IV* Section 1. "Full Faith and Credit shall be given each State to the public Acts, Records, and judicial Proceedings every other State."

This Court did not *sua sponte* "examine every other State" for conflicting Legislation or "chads" or other circumstances that were publicized in the Florida count of votes.

ISSUE FOUR

IS PRESIDENTIAL ACT OF 1947 PRECEDENTIAL?

Petitioner-Appellant says: "YES".

26 U.S.C.A. § 9002

> (4) The term "eligible candidates" means the candidates of a political party for President . . .
>
> (10) The term "presidential election" means the election of president and vice-presidential electors"

Bush v. Gore did ***not*** have jurisdiction over *"electors"*. Upon expiration of term of elected office, the President

and Vice President are henceforth *disqualified* from their Offices.

The Presidential Succession Act of 1947 *mandates* the order of succession of *disqualified* President and Vice President.

Whereas there is lawful authority then it follows that this U.S. Supreme Court exceeded its jurisdiction and *Bush, supra,* must be *vacated* ab initio.

During the period of vacating of the now President and Vice President, the Presidential Succession Act of 1947 takes precedence.

Presidential Succession Act of 1947:

> If both the president and vice president should die or become disqualified, succession is determined by the Presidential Succession Act of 1947.

This law states that the speaker of the House, and then the *pro tempore* of the Senate, are next in succession. The Act also lists fourteen (14) successive alternates to the above.

Obviously, the plan to provide the United States Government with a President and Vice President has clearly provided for all circumstances including the Florida intervention unlawfully by this Supreme Court.

CONCLUSION

A court without jurisdiction cannot issue lawful orders and any orders so issued are void ab initio.

U.S. Congress has authority to invoke Presidential Act of 1886, Amended 1947, therewith defeating this Court's self inflicted "dilemma".

There are approximately 280 million residents in United States but it appears that this pro se prisoner litigant is the only challenger to the ORDER of Supreme Court vacating State of Florida Supreme Court's jurisdictional remedy.

RELIEF REQUESTED

Review Petitioner's CIVIL COMPLAINT filed in District Court of District of Columbia shortly after December 12, 2000, and prepared by Petitioner December 13, 2000.

Grant Petitioner enforcement of 28 U.S.C. FRCVP Rule 55 – Default and rule that District Court must enter DEFAULT JUDGMENT FOR THE AMOUNT OF RELIEF REQUESTED IN THE CIVIL COMPLAINT.

Respectfully submitted,

JOHN VINCENT HYLAND, JR., Pro se

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOHN VINCENT HYLAND, JR., Plaintiff,	)	
v.	)	Civil Action No. 00-03120 (RCL)
JOHN PAUL STEVENS, et al. Defendants.	)	

ORDER

(Filed Jan. 5, 2001)

Upon *sua sponte* review of the complaint herein, the court finds that it is a frivolous, vexatious effort to sue the nine justices of the Supreme Court of the United States for how they ruled in the Florida election dispute litigation, and this action is therefore DISMISSED WITH PREJUDICE.

Plaintiff's "Petition for Stay of President of Senate Opening of Certificates of Votes of Electoral College" is therefore **DENIED** as moot.

SO ORDERED.

/s/ Royce C. Lamberth
ROYCE C. LAMBERTH
United States District Judge

DATE: 1-5-01

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 01-5053 **September Term, 2000**
00cv03120

John Vincent Hyland, Jr.,
Appellant

Filed On:
June 14, 2001

v.

John Paul Stevens, et al.,
Appellees

BEFORE: Edwards, Chief Judge; Williams, Ginsburg, Sentelle, Henderson, Randolph, Rogers, Tatel and Garland, Circuit Judges

ORDER

Upon consideration of appellant's petition for rehearing en banc, the supplement thereto, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/ Robert A. Bonner
Robert A. Bonner
Deputy Clerk